

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**[PROPOSED] ORDER GRANTING TRUSTEE’S NINTH OMNIBUS MOTION TO
DISALLOW CLAIMS AND OVERRULE OBJECTIONS OF CLAIMANTS
WHO HAVE NO NET EQUITY**

Upon consideration of the motion (the “Motion”) (ECF No. 15915), by Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), in the above-captioned SIPA liquidation proceeding seeking to have the Court disallow any and all claims and overrule objections filed by or on behalf of claimants (“Claimants”) that withdrew more money from BLMIS than they deposited and are, in the parlance of this case, net winners, or that withdrew an equal amount to what was deposited or, in the parlance of this case, net zeros;¹ and the Claims to be disallowed and Objections to be

¹ All capitalized terms not defined herein shall have the meaning ascribed in the Motion.

overruled are identified in Exhibit A to the Declaration of Vineet Sehgal (the “Sehgal Declaration”), attached to the Motion as Exhibit A; and due and proper notice of the Motion having been given and it appearing that no other or further notice need be provided; and the Trustee having filed a certificate of no objection representing that no objection has been received and that no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion; and the Court having found and determined that the relief sought in the Motion as set forth herein is in the best interests of the Debtor, its estate, creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Motion is granted to the extent provided herein; and it is further

ORDERED that the Claims listed on Exhibit A hereto under the heading “Claims and Objections to be Finally Determined and Overruled”, are disallowed and the Trustee’s Claims determinations are affirmed; and it is further

ORDERED that the Objections listed on Exhibit A hereto under the heading “Claims and Objections to be Finally Determined and Overruled”, are overruled; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: _____, 2017
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

IN RE: BLMIS. CASE NO: 08-01789 (SMB)

NINTH OMNIBUS MOTION: EXHIBIT A – CLAIMS AND OBJECTIONS TO BE FINALLY DETERMINED AND OVERRULED

Objection Party	Claim Number	Objection To Determination Docket Number	Counsel	Account Name	Account Number
Allen J. Ross	010787	1803 1804	Duane Morris LLP	Allen Ross	1R0125
Anthony Fusco	002337	952	Pro Se Filing	Anthony Fusco and Santa Fusco J/T WROS	1RU010
Anthony Fusco	002339	1100	Pro Se Filing	Anthony Fusco and Santa Fusco J/T WROS	1RU041
Dana Mandelbaum (Guritzky)	001271	2796	Arent Fox LLP	Dana Guritzky	1G0239
David And Bari Belosa	001085	2789	Lax & Neville, LLP	David Belosa & Bari Belosa J/T WROS	1B0196
Dominick Albanese Trust Acct B	002155	735	Lax & Neville, LLP	Dominick Albanese Trust Acct B	1A0101
Dorothy Ervolino	005496	970	Pro Se Filing	Dorothy Ervolino	1RU051
Dorothy Ervolino	012190	970	Pro Se Filing	Dorothy Ervolino	1RU051
Elaine C Schlessberg Trustee	000382	793	Lax & Neville, LLP	Elaine C Schlessberg Trustee Elaine C Schlessberg Trust	1S0312
Elaine C Schlessberg Trustee	001120	793	Lax & Neville, LLP	Elaine C Schlessberg Trustee Elaine C Schlessberg Trust	1S0312
Estate Of Robert S. Gettinger	010705	2745	Pro Se Filing	Millennium Trust Company, LLC FBO Robert S Gettinger 111356	1G0259
Gigi Family Limited Partnership	002379	1154	Pro Se Filing	Gigi Family LTD Partnership	1M0115
Gloria S Jaffe Investment Partnership 785 Crandon Blvd #1506	002170	3170 ¹	Becker & Poliakoff, LLP	Gloria S Jaffe Investment Partnership	1EM091
Jacob Davis & Marilyn Davis, Co-Trustees Of The U/T/A By Jacob Davis 06/27/94	010615	2358	Lax & Neville, LLP	Jacob Davis & Marilyn Davis Trustee	1D0051
James E Bignell Revocable Living Trust	000586 ²	923	Pro Se Filing	James E Bignell Revocable Living Trust	1ZA729
James E Bignell Revocable Living Trust	009663 ²	923	Pro Se Filing	James E Bignell Revocable Living Trust	1ZA729
Joel I Gordon Rev Trust U/A/D 5/11/94	003015	434	Pro Se Filing	Joel I Gordon Revocable Trust U/A/D 5/11/94	1CM201
Judith Konigsberg	001795	2853	Norman A. Kaplan, Esq.	Judith Konigsberg	1K0098
Karl Eisenhower & Wanda Eisenhower J/T WROS	000560	856	Bugaj/Fischer	Karl Eisenhower & Wanda Eisenhower J/T WROS	1E0152

¹ Objection docket 3170 was included in the Order Approving Trustee's Motion To Affirm His Determinations Denying Claims of Claimants Holding Interests In the Palko Associates, Gloria Jaffe Investment Partnership, and the Miller Partnership and was overruled with respect to seeking customer status for the Objection Claimants. This motion seeks to address the remaining objections.

² The James E Bignell Revocable Living Trust filed a partial withdrawal (Docket 2296) with respect to their objection, reserving their rights only with respect to the Trustees interpretation of net equity.

Objection Party	Claim Number	Objection To Determination Docket Number	Counsel	Account Name	Account Number
Karl Eisenhower & Wanda Eisenhower J/T WROS	000562	856	Bugaj/Fischer	Karl Eisenhower & Wanda Eisenhower J/T WROS	1E0152
Laura Weill	001516	2183	Lax & Neville, LLP	Laura J Weill	1CM334
Laurence And Suzanne Kaye	009106	2813	Lax & Neville, LLP	Laurence Kaye Susan Kaye TSTEES	1K0122
Laurence And Suzanne Kaye	014022	2813	Lax & Neville, LLP	Laurence Kaye Susan Kaye TSTEES	1K0122
Marc Konigsberg	002306	2854	Norman A. Kaplan, Esq.	Marc Konigsberg	1K0109
Marilyn Davis & Jacob Davis, Trustees Of The U/T/A By Marilyn Davis	010613	2830	Lax & Neville, LLP	Marilyn Davis & Jacob Davis TTEES Uta By Marilyn Davis	1ZA052
Marsha F Peshkin Revocable Trust Dated 5/31/05	002627	1040	Phillips Nizer LLP	Marsha F Peshkin Revocable Trust Dated 5/31/05	1ZB411
Marsha F Peshkin Revocable Trust Dated 5/31/05	100379	1040	Phillips Nizer LLP	Marsha F Peshkin Revocable Trust Dated 5/31/05	1ZB411
Norman Schlessberg, Trustee Of The Norman Schlessberg Trust	000152	2436	Lax & Neville, LLP	Norman Schlessberg Tstee Norman Schlessberg Trust	1S0313
Norman Schlessberg, Trustee Of The Norman Schlessberg Trust	001119	2436	Lax & Neville, LLP	Norman Schlessberg Tstee Norman Schlessberg Trust	1S0313
Oakdale Foundation, Inc.	012155	5171	Pryor Cashman LLP	Oakdale Foundation Inc	1CM224
Peerstate Equity Fund LP	006311	3801 ³	Becker & Poliakoff, LLP	Peerstate Equity Fund L P	1ZB295
Raven C. Wile	010578	1995 1996	Duane Morris LLP	Raven C Wile	1W0076
Shawn Kolodny And Andrew Kolodny JT/WROS	003400	2466	Pro Se Filing	Shawn Kolodny & Andrew Kolodny J/T WROS	1K0133
The Herbert Bernfeld Residuary Trust	001883	2690	Becker & Poliakoff, LLP	Herbert Bernfeld Residuary Trust	1EM015
The Miller Partnership	002285	576 ⁴	Phillips Nizer LLP	The Miller Partnership	1ZA977
The Miller Partnership	002285	3501 ⁴	Becker & Poliakoff, LLP	The Miller Partnership	1ZA977
The North Shore Child & Family Guidance Association Inc.	011403 ⁵	2249	Becker & Poliakoff, LLP	North Shore Child & Family Guidance Association Inc	1CM137
The North Shore Child & Family Guidance Association Inc.	015591 ⁵	2249	Becker & Poliakoff, LLP	North Shore Child & Family Guidance Association Inc	1CM137

³ Objection docket 3801 was included in the Order Approving Trustee's Motion To Affirm His Determinations Denying Claims of Claimants Holding Interests In the Peerstate Equity Fund, L.P. and was overruled with respect to seeking customer status for the Objection Claimants. This motion seeks to address the remaining objections.

⁴ Objection docket 576 and 3501 was included in the Order Approving Trustee's Motion To Affirm His Determinations Denying Claims of Claimants Holding Interests In the Palko Associates, Gloria Jaffe Investment Partnership, and the Miller Partnership MCR motion and was overruled with respect to seeking customer status for the Objection Claimants. This motion seeks to address the remaining objections.

⁵ The North Shore Child & Family Guidance Association Inc. filed a partial withdrawal (Docket 3852) with respect to their objection, reserving their rights only with respect to the Trustees interpretation of net equity.